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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------|------------------------|
| 10/809,611  | 03/25/2004  | Michael Holmberg     | HRA-15305           | 7255                   |
| 27505   | 7590        | 10/27/2006           | EXAMINER            |                        |
| RANKIN, HILL, PORTER & CLARK LLP<br>4080 ERIE STREET<br>WILLOUGHBY, OH 44094-7836 |             |                      |                     | OLSON, MARGARET LINNEA |
| ART UNIT  |             | PAPER NUMBER         |                     |                        |
| 3782  |             |                      |                     |                        |

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 10/809,611             | HOLMBERG, MICHAEL   |  |
| Examiner                     | Art Unit               |                     |  |
| Margaret L. Olson            | 3782                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 March 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-10 and 12-19 is/are rejected.

7)  Claim(s) 11 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/25/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 9, 13, 16, 17, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore et al. (US 2002/0179663). Moore et al. disclose a reconfigurable storage area with an enclosure defined by floor 14, front wall 16, and rear wall 18. A flexible web 28 segregates the storage area (figure 2; paragraph 0036) and is detachably affixed to the enclosure so that the storage area may be reconfigured (paragraphs 0037, 0038).

With respect to claim 2, figure 1 shows the enclosure as generally rectangular and bounded by the walls of the cargo space, a front wall 16, rear wall 18, and one side wall at 10. The figure is a cutaway view of a trunk cargo space in a vehicle (paragraph 0025), so the second sidewall is not shown, but is implied.

With respect to claim 4, a plurality of fasteners 48 are affixed to the flexible web, and a plurality of receptacles 44, 44', and 44" are on or in the enclosure (paragraph 0038; figure 7, figure 8, figure 9).

With respect to claim 5, the number of receptacles can exceed the number of fasteners affixed to the flexible web, allowing multiple configurations of the web 28 in the enclosure (figure 1; paragraph 0037).

With respect to claim 9, said web is a net (paragraph 0036).

With respect to claim 13, the receptacles 44, 44', and 44" are integrally provided by the enclosure (figure 1).

With respect to claim 16, Moore et al. provide a way to secure items in a vehicle (paragraph 0005) by providing a rectangular enclosure with a first and second spaced sidewalls, a front wall, and a rear wall (figure 1). Additional sidewalls 24 are provided to be folded out of the floor. Items are meant to be placed in that enclosure and detachable webs 28 are affixed to the interior surface of at least one of the walls on receptacles 44 (figure 1) in order to keep them from moving during transport.

With respect to claim 17, a plurality of fasteners 48 are fixed to the web 28 and detachably affixed to receptacle 44 on sidewall 24 (labeled at 42, figure 2).

With respect to claim 18, figure 13 shows webs 28 with a plurality of fasteners 48, the first of which is detachably fixed to a first sidewall 24, and the second of which is detachably fixed to a second sidewall 24.

With respect to claim 19, Moore et al. discloses a vehicle with a reconfigurable storage area (paragraph 0025) that could be installed in a passenger compartment, as

in the cargo section of a station wagon or a hatchback, with an enclosure defined by floor 14, front wall 16, and rear wall 18. A flexible web 28 segregates the storage area (figure 2; paragraph 0036) and is detachably affixed to the enclosure so that the storage area may be reconfigured (paragraphs 0037, 0038).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US 2002/0179663) as applied to claim 2 in paragraph 2 above in view of Wayne (US 5,628,442). Moore et al. disclose the structure of claim 2 and a base wall 14. Moore et al. do not disclose a moveable lid for the assembly. Wayne teaches a storage area assembly for storing cargo with 4 walls, a base, and partitions (figures 2, 15). A lid (14, figure 2; 82; figure 15) that may be opened or closed is attached to the assembly. It would have been obvious to one of ordinary skill in the art at the time of invention to include a lid that could be opened and closed on the cargo storage assembly of Moore et al. in order to contain items securely within the cargo structure (Wayne; column 1; lines 61-65).

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5. Claims 6, 7, 8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US 2002/0179663) as applied to claim 4 in paragraph 2 above in view of Crago (US 6,550,654). Moore et al. disclose the structure of claim 4 and fasteners with an aperture to attach the web to the receptacles. Moore et al. do not disclose stem fasteners with heads. Crago teaches a web for containing cargo with fasteners 26 with an aperture 42 defined by a stem portion 36 for attachment to the web at loop 24, and an enlarged head 38 on the opposite end of the stem portion (figure 6) that engages with a receptacle in a wall 20 (figure 5). It would have been obvious to one of ordinary skill in the art at the time of invention to use a stem and head fastener with a cargo web in the assembly of Moore et al. since they are easy to manufacture and use (Crago; column 2, lines 1-4).

With respect to claim 7, Moore et al. do not disclose an aperture and slotted seat for receiving the web fastener. Crago discloses a receptacle for a fastener of a cargo-retaining web with an aperture 48 for insertion of the head portion 38 and a slotted seat 50 into which the stem portion 36 is slid to prevent removal of the fastener from the receptacle (figure 16; column 4, lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of invention to include a keyhole receptacle in order to secure a cargo web to the assembly of Moore et al. so that the web may be quickly inserted and removed, and safely secured during use.

With respect to claim 8, the receptacle of Crago on the left panel 24' of Moore et al. has a first orientation and the second receptacle as taught by Crago on the panel 24 of Moore et al (figure 13) has a second orientation.

With respect to claim 14, Moore et al. do not disclose a separate plate to put in the enclosure with receptacles for the cargo net fastener. Crago discloses a plate 20 fastened to a seat with a plurality of receptacles for receiving cargo net fasteners (figure 3). It would have been obvious to one or ordinary skill in the art at the time of invention to insert this plate into the enclosure of Moore et al., in order to provide a fast and simple way to secure the cargo web inside the enclosure without altering the interior of the car.

With respect to claim 15, Moore et al. do not disclose two plates with multiple receptacles affixed in the enclosure. Crago discloses two plates 20 with receptacles to which the fasteners of the cargo web are secured (figure 2). It would have been obvious to one or ordinary skill in the art at the time of invention to insert these plates into the enclosure of Moore et al., in order to provide a fast and simple way to secure the cargo web inside the enclosure without altering the interior of the car.

6. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US 2002/0179663) as applied to claim 2 in paragraph 2 above, and further in view of Rider (US 5,893,597). Moore et al. discloses the assembly of claim 2 with multiple receptacles, but does not disclose a pattern of three rows of three receptacles on the sidewalls of the assembly. Rider teaches a cargo storage web with receptacles 1, 2, 3, 4, 5, and 6 in two rows of two fasteners, one vertical and one horizontal, on each sidewall of the storage area (figure 4; figure 5). It would have been obvious to one of ordinary skill in the art at the time of invention to include multiple receptacles for a reconfigurable storage net in several rows as in Rider to allow the

reconfigurable nets of Moore et al. to be refigured as desired to store cargo most efficiently. Moore et al. as modified by Rider discloses the claimed invention except for the third row and the third receptacle in each row of receptacles on the sidewalls. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third row and a third receptacle in the sidewalls of Moore et al. as modified by Rider since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 12, the primary reference Moore et al. shows flexible web 28 with first web edge detachably affixed to sidewall 24' and second web edge detachably affixed to sidewall 24 (figure 13).

#### ***Allowable Subject Matter***

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark et al. (US 7,104,580), Wotring (US 5,368,210), Seel et al. (US 6,247,741), Meise (US 6,695,373), Gehring et al. (US 2003/0000982), Schlegel (US 2024,884), and Cook (US 4,434,900) all disclose similar inventions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER

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